

RULE 16.6  
PERSONAL RESTRAINT PETITION--PARTIES

(a) Parties. If petitioner is under a restraint imposed by the state or local government, the petition should be captioned only with the name of the petitioner. If petitioner is not under a restraint imposed by the state or local government, the petition should be captioned with the name of the petitioner and the name of the person or agency restraining petitioners liberty, as respondent. The petition may be brought by the person who is under a restraint or in the persons name by that persons guardian, conservator, parent, or attorney.

(b) Respondent--Restraint by Government. If petitioner is under a restraint imposed by the state or local government, the officer or agency responsible for the proceeding against petitioner at the time petitioner claims the proceeding was defective or improper shall respond to the petition. If there are two or more proper respondents, each shall serve and file a separate response unless they agree to joint representation and notify the appellate court and the petitioner of that agreement.

(c) Change of Respondent. If the petitioner is under a restraint imposed by the state or local government, the appellate court may on its own initiative or on motion substitute the proper respondent, and the clerk of the court will notify substituted respondent.

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